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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1592 OF 2007

Union of India and Ors. ... Petitioners

Versus

State of Maharashtra & anr. .. Respondents

Mr. R.V. Desai, Sr. Counsel with Mr. Sureshkumar for the Petitioners.

Mrs. M. Kajale, A.G.P. for R. Nos. 1 and 2.

CORAM: F.I. REBELLO &
J.P.DEVADHAR, JJ.
DATED: AUGUST 10, 2007

P.C.:

. Rule. Heard forthwith.

. The tribunal has refused to exercise jurisdiction considering the proviso to sub rule (2) of Rule 61 of the Bombay Sales Tax Rules, 1969.

. However, even though the tribunal may not have jurisdiction, it is always open for this court to exercise its extra ordinary jurisdiction to do justice. In our opinion considering the facts this will be a fit case where we can exercise our extra ordinary jurisdiction. In the light of that, impugned order is set aside. Application for restoration is allowed. The tribunal is directed to dispose of Second Appeal No. 1727 of 2002 on merits.

. Rule made absolute accordingly. No order as to costs.

(J.P.DEVADHAR, J.) (F.I.REBELLO, J.)